

AO 91 (Rev. 08/09) Criminal Complaint

FILED *C*

NOV - 9 2016

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

## UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America )

v. )

ANDRE MARTEL WINN )

Case No. 4-16-71460-320

UNDER SEAL

OAKLAND VENUE

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2016 in the county of Alameda in the  
Northern District of California, the defendant(s) violated:*Code Section*  
18 U.S.C. § 922(g)(1)*Offense Description*  
Felon in Possession of a FirearmMaximum Penalties: 10 years prison  
\$250,000 fine  
3 years supervised release  
\$100 mandatory special assessment  
Forfeiture

This criminal complaint is based on these facts:

See attached AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

☒ Continued on the attached sheet.

APPROVED AS TO FORM:

*Brigid S. Martin*  
AUSA BRIGID S. MARTIN*Colleen Brooks*

Complainant's signature

Colleen Brooks, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/9/16*Donna M. Ryu*

Judge's signature

City and state: Oakland, California

Hon. Donna M. Ryu

Printed name and title

Document No. 116  
District Court  
Criminal Case Processing

## **AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Colleen Brooks, Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, hereby depose and say:

### **I. INTRODUCTION AND QUALIFICATIONS OF AFFIANT**

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I have been employed as a special agent of the ATF since September 2014. I completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, Glynco, GA, and Special Agent Basic Training at the ATF National Academy, Glynco, GA. Currently I am assigned to the ATF Dublin Group II, the Crime Gun Intelligence Center (CGIC), a specialized group tasked with investigating gun related violent crime in Oakland, CA, and the surrounding area. Prior to my employment with ATF, I worked for twelve years as a police officer with Baltimore County Police Department.

3. Since April 2015, I have participated in numerous investigations regarding the enforcement of federal firearms and narcotics laws. I have conducted and participated in both state and federal investigations involving the trafficking of firearms and distribution of controlled substances. During these investigations, I have participated in various types of investigative techniques, including electronic surveillance; undercover agents and informants; and controlled purchases of firearms and narcotics from suspects. I have participated in physical surveillance operations and assisted with the execution of federal and state search and arrest warrants. As a federal agent, I am authorized to investigate violations of laws of the United States, and I am a law enforcement officer with authority to execute warrants issued under the authority of the United States.

### **II. PURPOSE OF THE AFFIDAVIT**

4. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging Andre Martel WINN with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

5. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that, on or about November 9, 2016, WINN, who was previously convicted of a felony punishable by a term of imprisonment exceeding one year, possessed a firearm in violation of 18 U.S.C. § 922(g)(1). The statements contained in this

affidavit are based on information provided to me by law enforcement officers as well as my training, experience, and knowledge of this investigation.

### III. PROBABLE CAUSE

6. On November 9, 2016, ATF agents executed a federal search warrant on WINN's person and residence at 3205 Beaumont Ave, #4, in Oakland, CA. During the search, agents found a Glock 9mm firearm, serial number WRV202, loaded with ammunition. The firearm was located in an air vent in the main hallway of the apartment. The apartment is a one-bedroom, one-bathroom apartment. WINN was present at the time of the search. WINN is also on county probation for a state firearms conviction in 2015, and the address searched is WINN's reported probation address.

7. After the firearm was found, WINN was Mirandized, waived his rights, and told agents that the firearm belonged to him. WINN stated that the firearm has been in the air vent since before the search of his apartment in 2015 during which the San Leandro Police Department searched the apartment, found firearms and ammunition, and which led to WINN's most recent firearms conviction.

8. I reviewed WINN'S criminal history and learned that WINN has previously sustained the following felony convictions, all punishable by a term of imprisonment exceeding one year: in 2005, he was convicted of California PC § 487(c) Grand Theft from Person; in 2008, he was convicted of California H&S § 11351, Possession or Purchase for Sale, Cocaine; and in 2011, he was convicted of California H&S § 11359, Possession of Marijuana for Sale. He was also convicted on firearm charges in 2015.

9. Based on my training and experience, and my discussion with other ATF agents familiar with Glock firearms, including at least one agent is a nexus expert, that the Glock firearm, serial number WRV202 was not made in California.

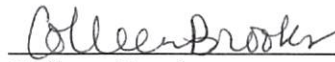
### IV. CONCLUSION

10. Based on the facts and information detailed in the affidavit, I believe probable cause exists that Andre Martel WINN possessed a firearm in violation of 18 U.S.C. § 922(g)(1), when he possessed the Glock pistol described above, which had previously been transported in interstate or foreign commerce, after WINN had been convicted of a crime punishable by  
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imprisonment for a term exceeding one year. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Colleen Brooks  
ATF Special Agent

Sworn and subscribed before me this 9<sup>th</sup> day of November, 2016



HON. DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE